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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,128	02/14/2002	Daniel C. Castle	10014745-1	2893

7590 06/29/2006

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

LAM, ANDREW H

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/077,128

Applicant(s)

CASTLE, DANIEL C.

Examiner

Andrew H. Lam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- This action is responsive to the following communication: an RCE filed on 05/08/06.
- Claims 1-23 are pending in the present application. Claims 1, 7 and 17 are amended.

Claim Objections

Claim 8 is objected to because of the following informalities: In claim 8, the claim ends with a semicolon "delivery area;" it should end with a period "delivery area." instead. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Miyasaka et al (U.S. Patent No. 6,766,362) hereinafter Miyasaka.

Regarding claim 1, Miyasaka discloses a system for generating a personalized publication (fig.2, personal publication system), comprising: a processor (fig. 4, is the client computer 10 that is used to carry out various aspects of the invention, cpu 12); a comics server (fig. 2, content database or server 44, col. 11, lines 12-20, the examiner is interpreting the graphical content as an image which can comprise a cartoon or comic

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piece or image) that maintains at least plural comic strips or individual comedic pieces, each identified by a unique identifier (col. 8, lines 23, search request using an index to the content, that is the content which is being search has a unique identifier that correspond to the index); and a memory (fig. 4, ram 13), coupled to the processor, the memory containing instructions that when executed by the processor cause the processor to receive information identifying a background template and a foreground image (see figs. 8A-8F); acquiring the background image from a network resource (fig. 3, news server 5); acquiring the foreground image from the comics server (fig. 3, content provider 4); merging the background template and the foreground image (col. 3, lines 14-29); and creating personalized content by searching through the comics server and finding comic that match information based on profile of previously entered preferences of the user (col. 3, lines 24-29).

Regarding claim 2, Miyasaka discloses the system of claim 1, wherein the processor further includes means (Miyasaka, fig. 2, network 1, for connecting the recipients 7-9 to the content 4 and news server 5) for connecting to the network resource for acquiring the background template and the foreground image.

Regarding claim 3, Miyasaka discloses the system of claim 1, wherein the processor further includes a staging area (Miyasaka, fig. 2, layout database 46) for maintaining the merged background template and foreground image (Miyasaka, col.3, lines 1-10).

Regarding claim 4, Miyasaka discloses the system of claim 1, wherein the memory further contains instructions that when executed by the processor causes the

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processor to receive information defining a date for transmitting the merged background template and foreground image to a client (Miyasaka, fig. 5E).

Regarding claim 5, Miyasaka discloses the system of claim 4, wherein the processor further includes a delivery area (Miyasaka, fig. 2, deliver 48, col. 3, lines 5-12) for maintaining the merged background template and foreground image before being transmitted in response to the transmission date.

Regarding claim 6, Miyasaka discloses the system of claim 1, wherein the instructions when executed by the processor further cause the processor to connect to a transmission medium and transmit the merged background template and foreground image along the transmission medium (Miyasaka, see figs. 2, 3, 4).

Regarding claims 7-23, they are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-6, since claims 7-23 disclose a method that corresponds to the system of claims 1-6, thus the method is inherent in that it simply provides functionality for the structural implementation found in system claims 1-6. In addition to the reasons given in the previous Office Action.

Response to Arguments

Applicant's arguments, see pages 11-12, filed 05/08/06, with respect to the rejection(s) of claim(s) 1-23 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art references due to newly amended limitations as cited in claims 1, 7 and 17.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew H. Lam whose telephone number is (571) 272-8569. The examiner can normally be reached on M-F (9:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Lam

4/23/06

KAWilliams

**KIMBERLY WILLIAMS
SUPERVISOR, PATENT EXAMINER**